

REMARKS

With this amendment, claims 1 – 5, 7 - 10, 12 – 17, 19 – 21, 23, 25 – 28, 30 - 34, 37 – 41, 43 – 46, 48 – 53, 55 – 57, 59, 61 – 64, and 66 - 70 are in the application. Reconsideration is respectfully requested.

Rejection Under 35 USC § 103(b)**Claim 1**

Applicant has here amended claim 1 to include the subject matter of now cancelled claims 24 and 29.

In particular, the amendments to claim 1 read:

"... the personal data storage unit is programmed to allow access to selected portions of medical records of the individual to selected entities and the access of the selected entities to the selected portion of the records expires after a predetermined period."

As discussed at paragraph 0134 of the published, present application, there is a responsibility to not disclose confidential records to unauthorized parties. Accordingly, the invention includes the capability to select which records will go to which entities and so exclude information from unauthorized parties. To this end, the availability of this information is also limited in time. Once the entities' involvement in the treatment has completed, access to the medical records will be withdrawn.

The Examiner states that the disclosure in Snowden, at paragraphs 105 -109, which provides access to patient records to emergency personnel, would render this obvious. Applicant respectfully disagrees.

Snowden is silent on the exclusion of information after treatment. In fact, the only inference that could be fairly drawn from this portion of Snowden is that there is insufficient time to misuse the information on the basis that treating emergency patients involves preliminary "maintenance" type treatment for a high volume of patients. For Snowden to render obvious the concept of the expiry of access suggests that a time can be associated with the emergency treatment of a patient.

Instead of being obvious this could in fact be dangerous. How long should such access be maintained for emergency treatment? In fact, for emergency treatment an open-ended time is

suggested (obvious) so that life saving treatment can be applied for as long as it is necessary. As suggested by paragraph 0134 of the present application, the expiry of access to patient records is not limited and so applies for all types of treatment by a healthcare professional with no reference to emergency treatment is made.

Applicant therefore submits that reference by Snowden to emergency treatment does not render the amendments obvious and, in fact, the most reasonable inference of the disclosure from Snowden would be the exact opposite of what the Examiner has suggested.

The amendments made to claim 1 have not been anticipated nor rendered obvious by any of the cited prior art of the combination, and Snowden is silent on the subject matter forming the current amendment. Accordingly, claim 1 and the claims depending therefrom are believed to be patentable.

Claim 37

Independent method claim 37 has been amended in a manner as described above with respect to claim 1. Accordingly, for the reasons set forth above, claim 37 and all of its dependent claims are also patentable.

Conclusion

In view of the foregoing, applicant submits that all of the currently pending claims are in condition for allowance, and an early notification to that effect is respectfully requested. If the Examiner has any questions, he is invited to contact applicant's attorney at the telephone number given below.

Respectfully submitted: Hancock Hughey LLP
/pwh #31,169/ Patrick W. Hughey
Registration No. 31,169
Tel. No. (503) 274-5455